

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE BED BATH & BEYOND  
STOCKHOLDER DERIVATIVE LITIGATION**

**This Document Relates to All Actions**

**Master File No. 2:20-cv-08673-MCA-MAH**

**STIPULATION AND [PROPOSED] ORDER REGARDING CONTINUED STAY OF PROCEEDINGS PENDING MEDIATION**

WHEREAS, starting on July 10, 2020, three related shareholder derivative actions were filed in this Court on behalf of nominal defendant Bed Bath & Beyond Inc. (“BBBY”); and

WHEREAS, on October 14, 2020, the Court entered an order [ECF No. 12] consolidating the three cases under the caption shown above and staying them pending disposition of a motion to dismiss the related securities class action captioned *Vitiello v. Bed Bath & Beyond Inc.*, No. 2:20-cv-4240-MCA-MAH (D.N.J.) (the “Securities Class Action”); and

WHEREAS the Court administratively terminated the fully briefed motion dismiss the Securities Class Action when the parties informed the Court that they had agreed to a mediation scheduled for early August 2021; and

WHEREAS, on August 3 and 4, 2021, the parties to the Securities Class Action and the parties to this consolidated derivative action participated in a mediation; and

WHEREAS the parties to the Securities Class Action informed the Court that they have reached an agreement in principle, subject to various conditions, to resolve the Securities Class Action; and

WHEREAS the August 3-4 mediation did not result in an agreement in principle to resolve this consolidated derivative action, but the parties to the above-captioned case are continuing their discussions; and

WHEREAS the parties to this consolidated derivative action wish to extend the stay of these proceedings in order to continue pursuing a potential resolution;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs, Defendants, and Nominal Defendant BBBY that:

1. The stay of this consolidated derivative action shall be continued.
2. The parties shall report back to the Court by September 30, 2021 concerning the status of their discussions. The stay of proceedings shall remain in effect until at least that date.
3. Should the parties not resolve their differences by September 30, 2021, Plaintiffs may advise the Court to enter a briefing stipulation with Defendants, unless the parties seek a further extension of the stay.
4. The parties reserve all other rights, claims, and defenses.

Dated: August 16, 2021

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*Attorneys for Defendants and Nominal  
Defendant Bed Bath & Beyond Inc.*

*Co-Lead Counsel for Plaintiffs*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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United States District Judge